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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/989,311	11/20/2001	Anuraag Agrawal	6541-59028	9516
7590	12/28/2005			EXAMINER
KLARQUIST SPARKMAN, LLP			LE, NHAN T	
One World Center			ART UNIT	PAPER NUMBER
Suite 1600				2685
121 S.W. Salmon Street			DATE MAILED: 12/28/2005	
Portland, OR 97204				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/989,311	AGRAWAL, ANURAAG	
	Examiner	Art Unit	
	Nhan T. Le	2685	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 28 September 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 17-22 and 37-45 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 17-22 and 37-45 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____.
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
	6) <input type="checkbox"/> Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 17-22, 41-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Barsness (US 2004/0117443).

As to claim 17, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified as the result of querying to determine if the application has been recently accessed. Barsness teaches wherein the status record is modified as the result of querying to determine if the application has been recently accessed (see paragraphs 0046-0047). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Barsness into the system of Aravamudan in order to provide other users with the potential useful information (as suggested by Barsness see Abstract).

As to claim 18, the combination of Aravamudan and Barsness teaches comprising obtaining the application presence data from a presence repository (see Aravamudan col. 6, lines 3-30).

As to claim 19, the combination of Aravamudan and Barsness further teaches comprising obtaining the application presence data from an application server (see Aravamudan col. 5, lines 15-31).

As to claim 20, the combination of Aravamudan and Barsness further teaches comprising delivering the message to the user if the evaluation indicates that the recipient is available (see Aravamudan col. 9, lines 10-44).

As to claim 21, the combination of Aravamudan and Barsness further teaches comprising discarding the message if the evaluation indicates that the recipient is unavailable (see Aravamudan col. 8, lines 56-67, col. 9, lines 1-9).

As to claim 22, the combination of Aravamudan and Barsness teaches comprising directing the message to a destination selected based on the evaluation (see Aravamudan col. 9, lines 10-44).

As to claim 41, the combination of Aravamudan and Barsness teaches further comprising sending an alert to a user and updating the recipient activity status record based on a response to the alert (see Barsness col. 11, lines 40-64).

As to claim 42, the combination of Aravamudan and Barsness teaches further comprising selecting a time interval, and updating the recipient activity status record based user access to the initiated application during the time interval (see Aravamudan col. 7, lines 41-67, col. 8, lines 1-4).

As to claim 43, the combination of Aravamudan and Barsness teaches wherein the application presence data is contained within the first network and the initiated application is executing on second network (see Barsness paragraph 0048).

As to claim 44, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified without initiating the application. Barsness teaches wherein the status record is modified without initiating the application (see paragraphs 0046-0047, 0050-0052). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Barsness into the system of Aravamudan in order to provide other users with the potential useful information (as suggested by Barsness see Abstract).

As to claim 45, Aravamudan teaches a messaging method, comprising: selecting a message type for a message for delivery to at least one selected recipient (see col. 5, lines 15-31), evaluating application presence data (see col. 5, lines 32-51) associated with a recipient activity status record for an initiated application associated with the selected message type; and processing the message based on the evaluation (see col. 5, lines 52-67, col. 6, lines 1-31). Aravamuradan fails to teach wherein the status record is modified as a result of query to determine if the application has been recently

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initiated. Barsness teaches teach wherein the status record is modified as a result of query to determine if the application has been recently initiated (see paragraphs 0046-0047, 0050-0052). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Barsness into the system of Aravamudan in order to provide other users with the potential useful information (as suggested by Barsness see Abstract).

2. Claims 37-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aravamudan et al (US 6,301,609) in view of Barsness (US 2004/0117443) further in view of Maurine (US 6,484,196).

As to claim 37, the combination of Aravamudan and Barsness fails to teach wherein the selected application is at least one of a chat application and an instant messaging application. Maurine teaches wherein the selected application is at least one of a chat application and an instant messaging application (col. 5, lines 55-67, col. 6, lines 1-12). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Maurine into the system of Aravamudan and Barsness in order to provide users with many different features.

As to claims 38-40, the combination of Aravamudan and Barsness fails to teach wherein the recipient activity status record is associated with how recently the initiated application has been accessed; wherein the recipient activity status record is associated with how often the initiated application has been accessed and wherein the recipient activity status record is associated with how often the initiated application has been accessed. Maurille teaches wherein the recipient activity status record is associated

with how recently the initiated application has been accessed; wherein the recipient activity status record is associated with how often the initiated application has been accessed and wherein the recipient activity status record is associated with how often the initiated application has been accessed (see col. 14, lines 16-67, col. 15, lines 1-63). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the teaching of Maurille into the system of Aravamudan and Barsness in order to provide users checking the status of other users on the personal message board server.

Response to Arguments

Applicant's arguments with respect to claims 17-22, 37-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T Le whose telephone number is 571-272-7892. The examiner can normally be reached on 08:00-05:00 (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on 571-272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

N.L.

Nhan Le

Nguyen Vo
12-23-2005

**NGUYEN T. VO
PRIMARY EXAMINER**